

### **REMARKS**

This Amendment is in response to the Office Action mailed March 21, 2007. Applicants have amended claims 30, 34 and 38. Claims 31, 35 and 37 have been cancelled without prejudice. Reconsideration in light of the amendments and remarks made herein is respectfully requested.

#### ***Allowable Subject Matter***

Claims 6-7, 10-12 and 17-19 have not been amended, and thus, are still in condition for allowance. Applicants respectfully submit that the Office Action failed to address the allowability of claim 8. Since claim 8 depends on allowed claim 7, Applicants respectfully request the Examiner to acknowledge in the Notice of Allowability that claim 8 is in condition for allowance.

Claims 31 and 37-38 have been objected as being dependent on a rejected base claim, but the Office Action indicates that these claims would be allowable if rewritten in independent form. Applicants have amended independent claims 30 and 34 to include the limitations of dependent claims 31 and claims 35 & 37, respectively. It is noted that claim 30 has been amended to include the limitation of "maintaining the power level of the signal if the power level fails to match any power level of a first group of the determined power levels." These additional amendments have been made to address potential antecedent basis informalities. Claim 34 has been amended to include the limitations of claims 35 and 37.

In light of the foregoing, Applicants respectfully request withdrawal of the objection of claims 31 and 37-38 and respectfully submit that all pending claims, namely claims 6-8, 10-12, 17-19, 30, 32-34, 36 and 38 are in condition for allowance. Allowance at the Examiner's earliest convenience is respectfully requested.

#### ***Rejection Under 35 U.S.C. § 102***

Claims 30 and 32-33 were rejected under 35 U.S.C. §102(e) as being anticipated by Porter (U.S. Patent No. 6,745,013). Applicants respectfully submit that a *prima facie* case of

anticipation has not been established. Since claim 30 has been amended to include limitations of objected claim 31 and claims 32-33 depend on claim 30, Applicants respectfully submit that the §102(e) rejection has been traversed.

Hence, Applicants respectfully request that the Examiner withdraw the outstanding §102(e) rejection.

***Rejection Under 35 U.S.C. § 103***

Claims 34-36 are rejected under 35 U.S.C. §103(a) as being allegedly unpatentable over Bishop (U.S. Patent No. 5,570,343) in view of Labedz (U.S. Patent No. 5,852,778). Applicants respectfully submit that a *prima facie* case of obviousness has not been established. However, any further discussion as to the allowability of these claims is moot because claim 34 has been amended to include limitations of objected claims 35 and 37; claim 35 has been cancelled; and claim 36 depends on claim 34.

Hence, Applicants respectfully submit that the §103(a) rejection has been traversed and respectfully request that the Examiner withdraw this rejection.

***Conclusion***

Applicants respectfully request reconsideration of the rejections and issuance of a timely Notice of Allowance based on the allowability of the pending claims.

Respectfully submitted,

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